

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF HAROLD E.) APPEAL NO. 07-A-2416
AND CLARA L. HORNE from the decision of the) FINAL DECISION
Board of Equalization of Canyon County for tax year) AND ORDER
2007.)

RURAL RESIDENTIAL PROPERTY APPEAL

THIS MATTER came for hearing on October 23, 2007, in Caldwell, Idaho, before Hearing Officer Steve Wallace. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellants Harold and Clara Horne appeared. Commercial Department Supervisor Matthew Burton and Certified Appraiser Katrina Ponce appeared for Respondent Canyon County. This appeal is taken from a decision of the Canyon County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. (Alt Pin) 02N02W100750.

The issue on appeal is the market value of an improved rural residential property.

The decision of the Canyon County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$100,000, and the improvements' value is \$168,300, totaling \$268,300. Appellants request the land value be reduced to \$60,150, and the improvements' value be reduced to \$164,200, totaling \$224,350.

The subject property includes a 3,892 square foot single-story residence built in 1958 and a four-car detached garage located on a rural 2.00 acre lot south of Nampa, Idaho.

Effective January 1, 2007, Respondent appraised the lot value at \$100,000 and the improvements at \$168,300. Subject's assessed lot value was \$50,000 per acre and the improvements' value was \$43.24 per square foot.

Appellants assert the assessment and appeals processes are flawed and do not accurately measure subject's unique qualities. Appellants point to subject's lot shape, configuration of improvements, subsurface quality, and potential for economic development as distinguishing features. Appellants argue the lack of public access to relevant market data effectively prevents taxpayer challenges to county property valuations.

The Appraiser provided five (5) improved property sales to establish subject's 2007 assessed value. The sales occurred between January 2006 and November 2006. The Appraiser explained differences among the subject and its five (5) comparable sales, including variations in lot size and shape, improved square footage, age, and construction quality. The Appraiser maintained these were the best sale properties available for comparison to subject. The average adjusted sale price was \$276,960. For comparison, subject's total assessed value was \$268,300.

Respondent noted it assessed the five (5) comparable sales on a site basis, rather than a "per acre" basis. On a price per acre basis, these properties sold for \$68,611 to \$142,969 per acre. The average price per acre was \$98,575. For comparison, subject's assessed lot value was \$50,000 per acre.

Respondent also provided data comparing the five (5) comparable sales on a "per square foot" basis. Respondent's calculations ranged from \$62 to \$76 per square foot. The average price per square foot was \$69. For comparison, subject's assessed value was \$43 per square foot. See table below:

Respondent's Comparable Sales: Improved Properties

Property	Distance (Mi)	Residence Sq. Ft.	Acre s	Year Built	Total Value	Per Acre	Total Per Sq. Ft.
1	3.5	2,434	1.92	1971	\$399,900	\$92,917	\$72
2	1.1	2,512	1.17	1960	\$275,000	\$88,376	\$68
3	6.5	2,333	1.00	1963	\$244,900	\$100,000	\$62
4	5.8	1,856	0.64	1927	\$220,000	\$142,969	\$69
5	12.0	1,935	1.44	1930	\$245,000	\$68,611	\$76
Average	5.8	2,214	1.23	1950	\$276,960	\$98,575	\$69
Subject	0.0	3,892	2.00	1958	\$268,300	\$50,000	\$43

Respondent provided data for eleven (11) vacant land sales for comparison to subject. The sales occurred between January 2006 and May 2007 and are within close proximity to subject. The Appraiser maintained these were the best sale properties available for comparison to subject. A "per acre" analysis shows the market value of these sales ranged from \$70,833 to \$172,328 per acre. The average market value of these unimproved properties was \$114,855 per acre. For comparison, subject's assessed lot value was \$50,000 per acre.

Respondent noted Appellants' frustration with the assessment and appeal processes. The Appraiser explained generally accepted methods and statutory guidelines for real property appraisals in Idaho. Respondent maintained current assessments complied with market value requirements.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following:

Idaho Code provides that "All property within the jurisdiction of this state, not expressly exempted, is subject to appraisal, assessment and property taxation." I.C. § 63-203 (2007). Idaho Code further directs that "rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes of all property." I.C. § 63-208(1).

For taxation purposes, Idaho requires that property be valued at "market value":

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

I.C. § 63-201(10).

Respondent offered five (5) improved sales and eleven (11) vacant land sales to establish subject's assessed value.

Appellants did not challenge the comparability of subject land and improvements to these sales, but maintained the assessment and appeals processes were flawed and did not accurately measure subject's unique qualities. Appellants' assertion that the lack of public access to relevant market data prohibits taxpayers from challenging county property valuations, though worthy of the Board's notice, is outside the Board's jurisdiction.

A property valuation for taxation purposes, as determined by an assessor, is presumed correct and the taxpayer has the burden of proof to show, by a preponderance of the evidence, an entitlement to relief. Merris v. Ada County, 100 Idaho 59, 64, 593 P.2d 394, 399 (1979).

Factual determinations are not erroneous when supported by competent and substantial evidence even though conflicting evidence exists. Wulff v. Sun Valley Co., 127 Idaho 71, 73-74, 896 P.2d 979, 981-82 (1995), Idaho Code § 63-511(4) (2007).

Although differences between subject and Respondent's comparable sales exist, a comparison of 2006 sale prices to subject's assessed value demonstrates Respondent's assessment of subject was reasonable.

The court will grant relief where the valuation fixed by the assessor is manifestly excessive, fraudulent or oppressive; or arbitrary, capricious and erroneous resulting in discrimination against the taxpayer. Roeder Holdings, L.L.C. v. Bd. of Equalization of Ada County, 136 Idaho 809, 41 P.3d 237 (2001); Merris. Appellants claimed Respondent's assessment of subject was flawed, but failed to prove specific errors by a preponderance of the evidence. Respondent's vacant land sales and improved sales reasonably support subject's assessed values. Therefore, the Board finds Respondent's assessment of subject was not arbitrary and Appellant's claim for relief is not supported by a preponderance of the evidence. The decision of the Canyon County Board of Equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Canyon County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED January 4, 2008